



MEMORANDUM
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INLUC
Agenda Item No. 6(A)

TO: Honorable Chairwoman Barbara J. Jordan
and Members, Infrastructure and Land Use
Committee

DATE: January 16, 2013

FROM: Christopher Agrippa
Division Chief, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Infrastructure and Land Use Committee:

December 12, 2012

CA/mf
Attachment



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Infrastructure and Land Use Committee

Barbara J. Jordan (1) Chair; Juan C. Zapata (11) Vice Chair; Commissioners Bruno A. Barreiro (5), Jose "Pepe" Diaz (12), Jean Monestime (2), and Rebeca Sosa (6)

Wednesday, December 12, 2012

2:00 PM

COMMISSION CHAMBERS

Members Present: Bruno A. Barreiro, Jose "Pepe" Diaz, Barbara J. Jordan, Jean Monestime, Rebeca Sosa, Juan C. Zapata.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Maryse Fontus, Commission Reporter,
(305) 375-4906*

1A MOMENT OF SILENCE

Report: *The Infrastructure and Land Use Committee
convened in a moment of silence at 2:09 p.m.*

1B PLEDGE OF ALLEGIANCE

Report: *The Pledge of Allegiance followed the moment of
silence.*

1C **ROLL CALL**

Report: *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Geri Bonzon-Keenan, Cynthia Johnson-Stacks, Oren Rosenthal and Craig Collier; and Deputy Clerks Jovel Shaw and Maryse Fontus.*

Assistant County Attorney Geri Bonzon-Keenan advised Committee members of the following changes to today's (12/12) agenda:

- Agenda Item 1F2 Substitute should be added;*
- Agenda Item 3F had a Substitute Item;*
- Agenda Item 3H should be added;*
- Agenda Item 3B had a scrivener's error; pages 12 and 13 of the printed item should be removed as they were inadvertently included.*

It was moved by Commissioner Monestime that the Committee approve today's (12/12) agenda with the changes noted by the Assistant County Attorney, as listed in the Board of County Commissioners' Vice Chairwoman Audrey M. Edmonson's memorandum dated December 12, 2012, entitled, "Requested Changes to the Infrastructure and Land Use Committee Agenda." This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 4-0; (Commissioners Barreiro and Zapata were absent).

1D **SPECIAL PRESENTATIONS****1E** **DISCUSSION ITEMS****1F** **PUBLIC HEARINGS**

1F1

122024 Ordinance**Sen. Javier D. Souto**

ORDINANCE AMENDING SECTION 20-5 AND 20-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO BOUNDARY CHANGES AND INCORPORATIONS; REQUIRING CERTAIN REVIEWS OF PROPOSED BOUNDARY CHANGES AND INCORPORATIONS AND NOTIFICATIONS TO APPROPRIATE AUTHORITIES; PROVIDING FOR IMMEDIATE TEMPORARY SUSPENSION OF PROPOSED BOUNDARY CHANGES OR INCORPORATIONS UPON CONCLUSION THAT THERE ARE CERTAIN DEFICIENCIES; GIVING THE COUNTY COMMISSION DISCRETION AS TO WHETHER TO REFER BOUNDARY CHANGE APPLICATIONS OR PETITIONS TO THE PLANNING ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Amended

Report: *See Agenda Item 1F1 Amended, Legislative File No. 122466, for the amended version.*

1F1 Amended

122466 Ordinance**Sen. Javier D. Souto**

ORDINANCE AMENDING SECTION 20-5 AND 20-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO BOUNDARY CHANGES AND INCORPORATIONS; REQUIRING CERTAIN REVIEWS OF PROPOSED BOUNDARY CHANGES AND INCORPORATIONS AND NOTIFICATIONS TO APPROPRIATE AUTHORITIES; PROVIDING FOR IMMEDIATE TEMPORARY SUSPENSION OF PROPOSED BOUNDARY CHANGES OR INCORPORATIONS UPON CONCLUSION THAT THERE ARE CERTAIN DEFICIENCIES; GIVING THE COUNTY COMMISSION DISCRETION AS TO WHETHER TO REFER BOUNDARY CHANGE APPLICATIONS OR PETITIONS TO THE PLANNING ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL, ITEM UNDER FILE NO. 122024]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Sosa

Seconder: Diaz

Vote: 4-0

Absent: Barreiro, Zapata

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed ordinance into the record.*

Chairwoman Jordan opened the public hearing on the foregoing proposed ordinance.

Ms. Renita Holmes, 5800 NW 7th Avenue, Suite 213, Miami, appeared before the Committee in support of the foregoing proposed ordinance. She said she believed this was a good proposal because it gave residents the ability to correct inaccurate data. She indicated that unfortunately she had not had sufficient time for the community to review this item; she sent it out to other residents, but had not yet received their views. She noted when the item was considered at the next Board of County Commissioners' (BCC) meeting, the residents would be able to provide their views during the public hearing. She stated that she did not like the Planning and Advisory Board's way of working, and asked the commissioners to review its membership.

Chairwoman Jordan closed the public hearing after no one else appeared wishing to speak.

Chairwoman Jordan opened the floor for questions or comments from members of the Committee.

Commissioner Diaz indicated that he liked the proposed resolution but believed that the County

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was already doing what the item was requesting. He asked whether this was correct.

Deputy Mayor Jack Osterholt confirmed that the County was already doing what the item was requesting.

Commissioner Diaz suggested that the commission hold a forum to discuss all of the issues related to annexation and incorporation. He said that he would like to vet the issues with the residents. He noted some people wanted to incorporate the entire County, but he also saw the usefulness of County government. He proposed that the issues related to annexation and incorporation be discussed at a BCC Committee of the Whole.

Commissioner Sosa noted although she agreed with Commissioner Diaz, this item was only intended to ensure that the process for incorporations and annexations was codified. She pointed out that if the County Attorney was presented with a petition alleging that the information regarding a proposed boundary change was false or misleading, there would be no confusion as to which process to follow to investigate this claim.

Commissioner Monestime asked whether this item also provided a procedure for people who wanted to challenge a request for incorporation or annexation based on fraud.

Ms. Jennifer Moon, Director, Office of Management and Budget, said she believed that this was a question for the County Attorneys' Office.

Assistant County Attorney Cynthia Johnson-Stacks explained that this ordinance did not set forth a specific process to challenge a petition for incorporation or annexation based on fraud. She clarified that this item simply provided the steps which the County Attorneys' Office or the Office of Management and Budget should follow if they were presented with a petition alleging that an application was false or misleading. She noted no restriction existed regarding how people should bring forth a fraud allegation.

Commissioner Monestime asked whether the item required that the process of incorporation or annexation be suspended while the investigation was on-going.

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Assistant County Attorney Johnson-Stacks confirmed that the process would be suspended pending the outcome of the investigation.

Commissioner Monestime noted if this was the case, he believed that the voters had already approved what this item was proposing, and anyone could come forward at any time with such an allegation. He asked whether it was possible to deal with such an allegation without suspending the process.

Assistant County Attorney Johnson-Stacks noted as far as the Committee's consideration was concerned, there might be a hearing to determine the accuracy of the statements.

Commissioner Monestime asked how the County Administration would deal with frivolous allegations; would the process still be suspended, he inquired.

Assistant County Attorney Craig Collier indicated that under this process, if the County Attorneys' Office received a petition, it would not carry out the investigation, but it would forward it to the appropriate body. He noted these bodies would find whether the allegation was frivolous or founded and ultimately the Board would decide whether to proceed with the annexation or incorporation.

Chairwoman Jordan asked Ms. Moon how this proposal differed from what the County was currently doing.

Ms. Moon noted currently when an application was submitted, it went to the Board, which then forwarded it to staff to proceed with the annexation or incorporation. She said that pursuant to this item, when an application was submitted, it was first reviewed for legal form and sufficiency by the County Attorneys' Office. If they found a defect, the CAO would refer the application to the Office of Management and Budget. If no defect was found, the process would move forward. She said that as the application was going through the process, if a petition was put forth claiming misleading information, the process would be suspended until the determination was made. She stated that while the County Code (Code) currently does not contain language dealing with misleading information, as the Administration dealt with the incorporation or annexation process, if someone claimed that the

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information was misleading or false, the Administration would refer it to the Planning and Advisory Board. She indicated that the proposed ordinance did not significantly change the process; it merely delineated it in the Code. However, it altered the process somewhat in that it required the County Attorneys' Office to review the petition at the beginning of the process, she noted.

Chairwoman Jordan inquired about the timeline; she asked whether someone could hold up the process by making an allegation that an application was misleading, whether or not the claim was frivolous.

Ms. Moon said that if an application did not comply with the requirements of the Home Rule Charter or the County Code, it would not go through the process until the defects were corrected. On the other hand, she indicated, if someone alleged that an application was misleading, the review would add time; how much time would depend on the authorities to whom the application was forwarded, she clarified.

Chairwoman Jordan asked whether in the current process, the Administration would review the application anyway.

Ms. Moon confirmed that this was correct.

Commissioner Diaz said his main objection to the item was that anyone could sabotage an incorporation or annexation. He pointed out that the item did not specify how long the investigation would take, noting if the investigation was allowed to stop the process, anyone could inflict a lot of damage. He said that he was willing to support the item if it were amended to provide that the process should continue alongside the investigation, and said that he would offer the amendment.

Chairwoman Jordan clarified that the amendment was to allow the annexation or incorporation to proceed following the inception of an investigation into allegations that the application was misleading or false; however, the investigation would have to be concluded before a final decision was made on the proposed annexation or incorporation.

Hearing no other questions or comments from the Committee members, the Committee proceeded to

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vote on the foregoing proposed ordinance, as amended.

1F2

122155 Resolution

Audrey M. Edmonson

Withdrawn

RESOLUTION DECLARING SURPLUS COUNTY-OWNED REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NW 54 STREET AND NW 27 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, ACQUIRED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AUTHORIZING THE PUBLIC SALE OF SAME TO THE HIGHEST BIDDER; AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE (Internal Services)

Report: *See Agenda Item 1F2 Substitute, Legislative File No. 122444).*

1F2 Substitute

122444 Resolution

Audrey M. Edmonson

RESOLUTION DECLARING SURPLUS COUNTY-OWNED REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NW 54 STREET AND NW 27 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, ACQUIRED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AUTHORIZING THE PUBLIC SALE OF SAME TO THE HIGHEST BIDDER; AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE [SEE ORIGINAL ITEM UNDER FILE NO. 122155] (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Second: Sosa

Vote: 4-0

Absent: Barreiro, Zapata

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Chairwoman Jordan opened the public hearing on the foregoing proposed resolution.

Ms. Renita Holmes, 5800 NW 7th Avenue, Suite 213, Miami, appeared before the Committee in opposition to the foregoing proposed resolution. She noted people in the community used the subject property as a flea market. She pointed out that this was a community asset which should not be sold to the highest bidder, and inquired whether this was a community property.

Assistant County Attorney Geri Bonzon-Keenan advised that this was County-owned property, which after the Board's determination would be declared as surplus property.

Ms. Holmes inquired whether the tax payers had the right to weigh in on the decision to sell the property. She asked what the required time of notice was before a property could be selected for bid or sale.

Assistant County Attorney Bonzon-Keenan stated that this particular parcel had to undergo a competitive bid process. She advised that the Florida Statutes governed when public properties had to be sold by a competitive bid process.

Chairwoman Jordan said that after the determination was made that this was surplus property, it was offered to County departments;

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General Services Administration (GSA), currently known as Internal Services Department (ISD), generally handled County-owned land, she clarified.

Ms. Holmes noted those who use the property had no idea that it was going to be sold.

Chairwoman Jordan asked for someone from ISD to come forward.

Mr. Jose Galan, Internal Services Department (ISD), explained that when the County owned a property, and wished to sell it, the department first circulated it to other departments; in this case, the other departments were not interested, so ISD presented it to the Board to be declared as surplus and sold at public bid. He indicated that the County used a specific process to advertise that the property was available for bid.

Chairwoman Jordan pointed out that this was how the public received notification that the property was available for purchase through a bid process.

Ms. Holmes asked to be referred to the notice that was sent.

Chairwoman Jordan observed that the public notice had probably not yet been sent out because the Board had not yet declared the property as surplus or approved it for bid.

Ms. Holmes pointed out that this was the community's property, and it seemed that in her neighborhood a number of properties were being sold without adequate notice. She asked that the item be deferred.

Deputy Mayor Jack Osterholt indicated that the last page of the agenda item had a copy of the advertisement for the property, which was in the newspaper. He gave Ms. Holmes a copy of the advertisement.

Chairwoman Jordan closed the public hearing after no one else appeared wishing to speak.

Hearing no questions or comments from the Committee members, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

2 COUNTY COMMISSION

2A

122331 Resolution

Esteban L. Bovo, Jr.

RESOLUTION EXCLUDING THE AREA OF PALM SPRINGS NORTH IN ANY FUTURE DESIGNATING OF THE AREA KNOWN AS "NORTH POINTE" OR FOR CONSIDERATION AS PART OF AN INCORPORATION

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Monestime

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Chairwoman Jordan said that she wanted to put on the record that she had a sunshine meeting with Commissioner Bovo and they agreed to go out into the community in order to give the residents an opportunity to express their concerns on this issue.

Hearing no further questions or comments from the Committee members, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

2B

121737 Ordinance

Jose "Pepe" Diaz,

Rebeca Sosa

Amended

ORDINANCE CREATING REPORTING REQUIREMENT
FOR COUNTY AND MUNICIPAL CANDIDATES
REGARDING PAID AND VOLUNTEER CAMPAIGN
WORKERS PARTICIPATING IN ABSENTEE BALLOT
RELATED CAMPAIGN ACTIVITIES; PROVIDING
PENALTIES FOR FAILURE TO REPORT AND FOR
OTHER VIOLATIONS OF ABSENTEE BALLOT LAWS;
PROVIDING FOR ENFORCEMENT BY THE
COMMISSION ON ETHICS AND PUBLIC TRUST;
CREATING SECTION 12-14.1 OF THE CODE;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed ordinance into the record.*

Chairwoman Jordan opened the floor for questions or comments from members of the Committee.

Commissioner Sosa asked to be added as a co-sponsor to this item.

Chairwoman Jordan asked whether this item would require reporting of all volunteers or only those who handled absentee ballots.

Commissioner Diaz indicated that only those individuals who handled absentee ballots would have to be reported.

Chairwoman Jordan asked how the commissioners would ascertain which individuals working on their campaigns were handling absentee ballots.

Commissioner Diaz said that he had been running campaigns for 30 years, and always knew what everyone did. He noted the reason for this item was that it gave more validity to the whole process and was intended to make it more transparent. He said that the Assistant County Attorney had to read an amendment into the record.

Assistant County Attorney Oren Rosenthal read the following amendment: In Section 1 of the proposed ordinance, Sec. 12-14.1, 5th line, the words "supervisor of election," should be replaced by "officer responsible for receiving such candidate's contribution or expenditure reports."

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He said that this would make it clear that the supervisor would only receive the reports regarding absentee ballot workers from County officials. He explained that municipal candidates would then have to file with the appropriate municipal officer with whom they normally would file their campaign and finance reports so that the supervisor would only be receiving the requisite reports.

Commissioner Zapata said that he applauded the spirit of the item, but was concerned about its mechanics. He asked how this proposal would be enforced and whether anyone could file a complaint which would trigger an investigation. He pointed out that this could be used by people against the candidates to create distraction and chaos during the campaign.

Commissioner Diaz pointed out that if anyone accused a candidate, an investigation would be carried out, and during the course of this investigation, the candidate would have the opportunity to clarify who was volunteering with his campaign. He noted the item provided penalties for people who used volunteers for absentee ballots, but did not file a report.

Assistant County Attorney Rosenthal indicated that if a candidate failed to file a report, the supervisor or municipal officer would have the authority to institute a fine, which could be appealed to the Commission on Ethics and Public Trust. He noted other complaints would also be within the purview of the Ethics Commission, under sub-Section 3 of the ordinance.

Commissioner Zapata said that if he was running as a candidate and his opponent decided to file complaints against him, this item would give the opponent additional ammunition. He noted his main concern had to do with independent groups that mount absentee ballot operations, and asked the County Attorneys' Office how this ordinance could be crafted so that it created a more transparent process and did not end up harming the candidates.

Assistant County Attorney Rosenthal stressed that the ordinance would not cover independent groups, as it only covered people who were operating on behalf of a particular campaign. With regard to potential abuses of the law, the Ethics Commission would hear those complaints, he clarified. He said that the intent of this item

was to add a knowledge base to make it absolutely clear who worked for a particular campaign.

Commissioner Diaz indicated that this would constitute a faster and easier way of determining who worked for a campaign on absentee ballots.

Commissioner Zapata said that although he had some hesitation, he would support the item. He said he was concerned that despite all the good intentions, this item could be used to harm candidates.

Chairwoman Jordan noted she would support the item for now, although she had concerns about the volunteers. She inquired whether this proposal would discourage people who wanted to volunteer.

Commissioner Diaz stated that they looked at this issue when they were drafting this item. He said that this item was intended to give the Mayor one more tool in determining who was working on absentee ballots, and that it could be adjusted as it moved forward.

Commissioner Zapata noted he recalled an individual during his election who was wearing one of the T-shirts from his campaign, but who was not authorized to do so. He said that this individual was carrying out activities that were contrary to his interests. He pointed out that if an onlooker saw the individual working on absentee ballots, it could create significant damage. He reiterated that the County Attorneys' Office would have to craft the ordinance in such a way that it would not have unintended consequences.

Commissioner Diaz noted he recalled an overzealous individual in one of his campaigns who created T-shirts bearing his name and placed stacks of signs on the highway. Commissioner Diaz said that he ended up paying \$600 in fines because he was not authorized to place the signs on the highway.

Commissioner Monestime noted what he liked about this item was that if some individuals had bad intentions they would be more reluctant to volunteer. He asked the County Attorneys' Office whether this item covered entities that volunteered.

Assistant County Attorney Rosenthal clarified that anyone who was independent from a campaign would not be covered; on the other hand, if a campaign had a consultant who hired people to

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perform an absentee ballot operation, they would be covered by this ordinance.

Commissioner Monestime asked whether third parties and Political Action Committees were covered.

Assistant County Attorney Rosenthal reiterated that only those people who were working on behalf of the campaigns would be covered.

Commissioner Sosa observed that the part of the ordinance about volunteers seemed to be creating the most concerns. She pointed out that when a candidate paid someone, she/he set the standards. She said that the commissioners needed to protect themselves from abuse, and sometimes volunteers created problems on purpose. She suggested that this item be analyzed carefully by all of the commissioners when it was considered by the full Board, to guard against unintended consequences.

Chairwoman Jordan pointed out that it was not possible to legislate morality or honesty. She said that she would support the item for now, but noted her concern was that she did not want to discourage honest volunteers by telling them that they had to provide all this information that would go into official documents.

Commissioner Diaz noted this was a valid point, but in the campaigns that he ran in the past, the majority of the volunteers were there for the right reasons. He stressed that the candidate would have to be aware that a violation had been committed to be held accountable. However, he was willing to adjust the item before it reached the full Board.

Commissioner Jordan reiterated that she would support the item for now. She indicated that in the past some of the people who worked on her campaigns refused to be paid and she did not want to discourage them.

Commissioner Diaz stated that the commissioners need not worry about these volunteers, but rather about the people who demanded to be paid.

Commissioner Monestime said that he would await the County Attorneys' advice on the best way to amend this item to guard against unintended consequences. He noted he looked forward to having this conversation again before the full Board.

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Hearing no further questions or comments from the Committee members, the Committee proceeded to vote on the foregoing proposed resolution, as amended.

2C

121895 Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO PLANNING AND ZONING;
REQUIRING THE BOARD OF COUNTY
COMMISSIONERS TO RETAIN JURISDICTION TO
MODIFY OR DELETE COVENANTS OR
DECLARATIONS OF RESTRICTIONS ACCEPTED IN
CONNECTION WITH COMPREHENSIVE
DEVELOPMENT MASTER PLAN AMENDMENT
APPLICATIONS OR ZONING APPLICATIONS, WHEN
THE AREA THAT IS THE SUBJECT OF THE COVENANT
OR DECLARATION OF RESTRICTION HAS BEEN
ANNEXED OR INCORPORATED; AMENDING SECTION
20-26 AND CREATING SECTION 20-8.8 OF THE CODE
OF MIAMI-DADE COUNTY, FLORIDA ("CODE");
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable
recommendation*

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan
read the foregoing proposed ordinance into the
record.*

*Chairwoman Jordan opened the floor for
questions or comments from members of the
Committee.*

*Commissioner Diaz explained the intent of the
item. He pointed out that the Board of County
Commissioners (Board) reached agreements on
covenants as a body usually after listening to
hours of testimony. Yet, when a city annexed that
particular area, the city had sole authority over
the covenant. He gave the example of the City of
Sweetwater noting that when the city took over a
particular area, the developer behaved as if he
was no longer bound by the terms of the covenant.*

*Commissioner Monestime noted this was a good
item; however, he inquired whether this item
affected both annexations and incorporations.*

*Assistant County Attorney Craig Collier confirmed
that this item covered both annexations and
incorporations.*

*Chairwoman Jordan indicated that she supported
the item and asked for clarification with regard to
the Dolphin Mall. She asked if it was a
Development of Regional Impact (DRI).*

*Mr. Mark Woerner, Assistant Director,
Metropolitan Planning, Regulatory and Economic
Resources (RER), confirmed that the Dolphin Mall*

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was a DRI. However, he clarified that the area to which Commissioner Diaz was referring was located between the Dolphin Mall and the International Mall.

Commissioner Diaz said that the original purpose of this area was to make a Bus Rapid Transit (BRT) system, but he was informed that it was controlled by the City of Sweetwater, and the owner did not have to abide by the covenant. He stated that the intent of the item was to ensure that the Board would retain the authority over the covenants.

Chairwoman Jordan asked whether staff knew of any other situations in which the Board had lost the authority over covenants.

Mr. Woerner indicated that only recently were Comprehensive Development Master Plan (CDMP) covenants accompanied by covenants. He noted RER had not analyzed all CDMP covenants that had been approved by the Board since 1988, but said that he would provide the results of the analysis at the next Board meeting.

Chairwoman Jordan noted she supported this item because the Home Rule Charter governed the entire County and when the Board made a commitment, any subsequent annexations and incorporations would have to honor the commitments that were made to the community.

Mr. Stephen Homestead, Planning Director, Village of Pinecrest, appeared before the Committee in opposition of the foregoing proposed ordinance, noting the residents of Pinecrest sent a letter to the Board asking that the item be denied. He said that although they understood that the item was well-intentioned, they were concerned that this would allow the Board to retain authority in a matter related to land use and development, which should be governed by the local governing body. Retention of jurisdiction by the Board would be contrary to the purpose of annexation which was to allow for more responsive, efficient and cost effective delivery of services at the local level, he pointed out. Mr. Homestead said that the residents of the Village of Pinecrest were concerned also that the developer could seek to obtain the authorization from the Board to amend covenants and restrictions after the annexation, even though this would not be in the best interest of the local government.

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Chairwoman Jordan noted she believed Mr. Homestead brought up a valid point. She said the covenants that the Board approved prior to the annexation should be honored; on the other hand, if a developer came to the Board after the annexation seeking to amend a covenant, then the decision should be made by the municipality.

Commissioner Diaz noted although he agreed with Chairwoman Jordan the rules for amending covenants were stringent, and the agreements that had a future use should not be taken away from the residents lightly.

Commissioner Jordan suggested that if the Board approved a deviation from the covenant that impacted the municipality, the developer should first obtain the approval of the municipality before it went into effect. She asked whether Commissioner Diaz would approve this friendly amendment.

Assistant County Attorney Collier clarified that the concept was that the developer would have to seek the approval of the municipality first before coming to the Board to seek an amendment to a covenant.

Commissioner Diaz said that he would work with the County Attorneys to amend the proposed ordinance before the next Board meeting.

Chairwoman Jordan stressed that if the proposed change to the covenant would impact the municipality, the developer should obtain prior approval from the municipality before coming to the Board.

Assistant County Attorney Collier advised that from a procedural point of view, the amendment would have to be approved by the commissioners on the floor.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance, as presented.

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2D

122117 Resolution

Dennis C. Moss

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE A MASTER PLAN FOR DEVELOPMENT OF PORTIONS OF FORMER HOMESTEAD AIR FORCE BASE DEEDED TO THE COUNTY BY THE UNITED STATES AIR FORCE

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Chairwoman Jordan noted the proposed resolution did not include a due date for the master plan, and asked whether staff could obtain a due date from the sponsor.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

2E

122324 Resolution

Dennis C. Moss

RESOLUTION ADDING THE ZOO MIAMI FLORIDA EXHIBIT AND FRONT ENTRY PROJECT IN DISTRICT 9 TO THE LIST OF ECONOMIC STIMULUS PROJECTS PURSUANT TO THE COUNTY'S ECONOMIC STIMULUS PLAN

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Monestime

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

2F

122333 Resolution

Dennis C. Moss,

Juan C. Zapata

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S
DESIGNEE TO CONDUCT A STUDY ON THE CREATION
OF GREEN ENERGY FARMS IN THE AGRICULTURAL
AREAS, INCLUDING FUNDING SOURCES AND TAX
EXEMPTIONS TO ENCOURAGE SUCH GREEN ENERGY
FARMS

*Forwarded to BCC with a favorable
recommendation*

Mover: Monestime

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan
read the foregoing proposed resolution into the
record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing proposed
resolution, as presented.*

3 DEPARTMENTS

3A

122378 Resolution

**Infrastructure and Land Use
Committee**

RESOLUTION ACCEPTING CONVEYANCES OF
VARIOUS PROPERTY INTERESTS FOR ROAD
PURPOSES TO MIAMI-DADE COUNTY, FLORIDA
(Public Works & Waste Management)

*Forwarded to BCC with a favorable
recommendation*

Mover: Monestime

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan
read the foregoing proposed resolution into the
record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing proposed
resolution, as presented.*

3B

122328 Resolution

Jose "Pepe" Diaz

RESOLUTION GRANTING PETITION TO CLOSE NW 150 STREET, FROM NW 117 AVENUE EAST FOR APPROXIMATELY 1,298 FEET (ROAD CLOSING PETITION NO. P-898) (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation as corrected

Mover: Diaz

Seconder: Monestime

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record and advised that during consideration of the changes to today's (12/12), she announced that this item had a scrivener's error, which should be corrected; pages 12 and 13 of the printed item should be removed as they were inadvertently included.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as corrected.

3C

122315 Resolution

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH FUNDING UP TO \$16,000,000 FOR THE NW SOUTH RIVER DRIVE BRIDGE OVER THE TAMiami CANAL FROM NW 19 STREET TO NW 32 AVENUE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation

Mover: Monestime

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

3D

122377 Resolution

Lynda Bell,

Bruno A. Barreiro, Audrey M. Edmonson, Sally A. Heyman, Dennis C. Moss

RESOLUTION AUTHORIZING THE DISBURSEMENT OF UP TO \$98,000 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2013 AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT BY WHICH THE DISTRICT WILL PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR THIS EVENT (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Second: Monestime

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

3E

122404 Resolution

Barbara J. Jordan

RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO EASEMENTS TO THE FLORIDA POWER AND LIGHT COMPANY (FPL), FOR \$1.00 EACH, FOR THE EXISTING OVERHEAD UTILITY SERVICE AND FOR THE INGENCO LANDFILL GAS UTILIZATION SYSTEM (LFGUS) ELECTRIC PLANT BEING BUILT AT THE NORTH DADE LANDFILL LOCATED AT 21500 NW 47 AVENUE, MIAMI; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Internal Services)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Second: Monestime

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Chairwoman Jordan relinquished the Chair to Vice Chairman Monestime.

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

Chairwoman Jordan resumed the Chair.

3F

122375 Resolution Lynda Bell

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND MIAMI-DADE COUNTY TO PROVIDE FILM PERMITTING SERVICES (Regulatory and Economic Resources)

Withdrawn

Report: *See Agenda Item 3F Substitute, Legislative File No. 122447).*

3F Substitute

122447 Resolution Lynda Bell

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND MIAMI-DADE COUNTY TO PROVIDE FILM PERMITTING SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 122375] (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

3G

122266 Resolution Audrey M. Edmonson

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF EL PORTAL AND MIAMI-DADE COUNTY TO PROVIDE FILM PERMITTING SERVICES (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Monestime

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

3H

122403 Resolution

Barbara J. Jordan

RESOLUTION APPROVING AMENDMENT NUMBER TWO TO MIAMI-DADE WATER AND SEWER DEPARTMENT AGREEMENT NUMBER 01CDAM003, A NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH INC. INCREASING TOTAL COMPENSATION BY \$3,300,000, FROM \$7,121,400 TO \$10,421,400 AND GRANTING A TIME EXTENSION OF THREE ADDITIONAL YEARS; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Jordan

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Chairwoman Jordan opened the floor for questions or comments from members of the Committee.

Commissioner Zapata asked how often the South Florida Water Management Agreements were amended and whether such amendments held up a project for a long time period.

Mr. John Renfrow, Director, Water and Sewer Department, indicated that it did not happen very often. He said that it took the department a long time to figure it out, but at the end of the day this saved the County \$300 million.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

Infrastructure and Land Use Committee

CLERK'S SUMMARY OF

Meeting Minutes

Wednesday, December 12, 2012

6A

122366 Report

APPROVAL OF CLERK'S MEETING MINUTES FOR THE
NOVEMBER 15, 2012 INFRASTRUCTURE AND LAND
USE COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

7 REPORTS

8 ADJOURNMENT

Report: *There being no further business to come before the
Committee, the meeting adjourned at 3:26 P.M.*